

Application No.: 10/617,833Docket No.: 2336-194REMARKS

The Examiner's indication of allowable subject matter of claims 10-11 is noted with appreciation.

Claims 1-9, 11-14 and 17-22 are pending in the application. Claim 1 has been amended to include the indicated allowable subject matter of claim 10, now cancelled. Claim 11 has been redrafted in independent form. Claim 12 has been amended to include a limitation similar to the limitation of allowable original claim 10. Claims 13 have been amended to be dependent on claim 12. New claims 17-22 have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/added find solid support in the application as filed, especially the original claims and FIGs. 3 and 5.

The specification has been revised in the manner kindly suggested by the Examiner in the Office Action. The Abstract has been amended to be compliant with commonly accepted US patent practice.

No new matter has been introduced through the foregoing amendments.

The objection to the specification is over is believed overcome in view of the above amendments.

The objection to the drawings is moot as the feature being objected to is no longer recited in the claims.

The art rejections of claims 1-9 and 12-16 are either moot or believed overcome in view of the above amendments.

In particular, independent claim 1 is patentable over the applied references because claim 1 now includes the indicated allowable subject matter of original claim 10. Claims 2-9 depend from

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claim 1, and are considered patentable at least for the reason advanced with respect to amended claim 1.

Independent claim 11, although does not include all limitations of intervening claim 9, is nevertheless believed patentable over the applied references, because the references fail to teach or suggest the feature of original claim 11 that "the high refractivity layer has an Al content (wt%) of approximately 1.3 to approximately 2.5 times as much as an Al content of the lower guide layer," as indicated in the Office Action, at pages 12-13.

Independent claim 12 is patentable over the applied references, because the references fail to teach or suggest the claim feature that "the second lower clad layer has an Al content (wt%) of approximately 0.85 to approximately 0.97 times as much as an Al content of the first lower clad layer" which is similar to the limitation of original, allowable claim 10. Claims 13-14 and 17-22 depend from claim 12, and are considered patentable at least for the reason advanced with respect to amended claim 12.

Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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